

Application No. 10/804,931

REMARKS

Claims 1-11 and 23-24 are pending. Claim 1 has been amended.

The Examiner has indicated that claims 2, 3, 23, and 24 are allowed. Claim 1 and claims 4-11 have been rejected under 35 U.S.C. § 102(b) with reference to Martelli (European Patent Application No. 073357).

In support of these claim rejections, the Examiner asserts that in Martelli, "the first locking member is capable of engaging the second locking member sideways retaining the first and second prop in a stationary relationship with each other." [Page 3 of Office Action, par. 13, citing Fig. 1, 3, and the Abstract]. The "locking members" of Martelli, however, do not retain crates in a stationary relationship with each other. Rather, the fastening joints and hinges serve only to join the sidewalls of a single crate to the bottom of the same crate. For example, Figure 1 is a plan view that shows the bottom and sidewalls of only one crate lying flat. Figure 3 (another plan view) simply shows in greater detail the hinged joints between the bottom of a crate and the sidewall of the same crate. [See page 8, lines 16-25]. Moreover, all references in the Abstract to the fastening joints are in the context of forming a single crate.

The Examiner also asserts that in Martelli, "the first locking member is attached to the second to connect the props in a horizontal or perpendicular relationship." [Page 3 of Office Action, par. 13, citing the Abstract]. Although the Abstract refers to stacking the crates, the only stacking contemplated in Martelli is a vertical orientation where one crate is on top of the other. This is demonstrated by Fig. 15 and the related written description, which show only vertical stacking, [See page 21, line 18 to page 22, line 2]. The "locking members" of Martelli play no part in connecting two crates in a horizontal relationship.

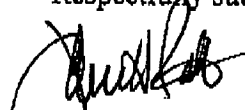
Application No. 10/804,931

Claim 1 is not directed to a single item whose sidewalls interlock another surface as taught by Martelli, but rather recites a first and second stage prop, each with a locking member that can hold the two props together sideways. Thus, claim 1 as previously presented specified that the first locking member is located on a side of a first stage prop and that the second locking member is located on a side of a second stage prop. To clarify this relationship, claim 1 has been amended to emphasize that the first locking member is associated with the first stage prop while the second locking member is associated with the second stage prop. Hence, claim 1 is allowable as previously presented and as amended. Dependent claims 4-11 should also be allowed, for at least the same reasons as claim 1.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



James H. Patterson
Registration No. 30,673

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5741